

January 6, 2011

Reply to the Office Action dated October 7, 2010

Page 7 of 10

REMARKS/ARGUMENTS

Claims 19-32, 34, 36, and 37 are pending in this application. By this Amendment, Applicant AMENDS claim 32 and CANCELS claim 33.

Applicant appreciates the allowance of claims 34, 36, and 37 by the Examiner.

Applicant's undersigned representative appreciates the Examiner extending the courtesy of the telephone interview on January 4, 2011. During the telephone interview, Applicant's undersigned representative explained to the Examiner that neither of Yamagiwa et al. (U.S. 4,989,665) and Okabe et al. (U.S. 2005/0263334) teaches or suggests a main frame, which extends obliquely downward along a centerline of the vehicle in a width direction of the vehicle toward the rear of the vehicle, arranged to support a motor. The Examiner tentatively agreed that neither of Yamagiwa et al. and Okabe et al. teaches the above features.

Claims 19-25 and 32 were rejected under 35 U.S.C. § 102(b) as being anticipated by Yamagiwa et al. Claims 26-28 were rejected under 35 U.S.C. § 103(a) as being unpatentable over Yamagiwa et al. in view of Nakamura et al. (U.S. 5,183,130). Claims 29-31 and 33 were rejected under 35 U.S.C. § 103(a) as being unpatentable over Yamagiwa et al. in view of Okabe et al.

Claim 33 has been canceled and the features recited therein incorporated into claim 32. Applicant respectfully traverses the rejections of claims 19-32.

Claim 19 recites:

A saddle riding vehicle comprising:
a head pipe that supports a steering shaft so as to rotate freely;
a body frame including a main frame that is connected to the head pipe and extends obliquely downward along a centerline of the vehicle in a width direction of the vehicle toward the rear of the vehicle, and a pair of left and right subframes that are connected to left and right sides of the main frame, respectively, and extend obliquely downward to the rear; and
a motor supported by and suspended from the main frame and the subframes such that the motor is not supported from below. (emphasis added)

Claim 32 has been amended to recite:

A saddle riding vehicle comprising:
a head pipe that supports a steering shaft so as to rotate freely;

a body frame including a main frame that is connected to the head pipe and extends obliquely downward along a centerline of the vehicle in a width direction of the vehicle toward the rear of the vehicle, and a pair of left and right subframes that are connected to left and right sides of the main frame, respectively, and extend obliquely downward to the rear; and

a motor supported and suspended in two locations spaced in a front to rear direction by each of the respective subframes such that the motor is not supported from below; wherein

the motor is an internal combustion engine including a crankcase and a cylinder that extends obliquely upward to the front of the vehicle from the crankcase, and the cylinder is connected to the main frame and the crankcase is connected to the subframes.

The Examiner alleged that Yamagiwa et al. teaches a body frame including a main frame 20a, 22a, a pair of left and right subframes 24 connected to the left and right sides of the main frame, and a motor E supported by and suspended from the main frame and the subframes.

Applicant respectfully disagrees for the following reason.

Yamagiwa et al. teaches that the motor is suspended from the left and right subframes 24 and the left and right supporting pipes 74 extending from the left and right subframes 24 (see, for example, column 9, lines 50-57 and Figs. 1-3 of Yamagiwa et al.). No portion of the motor E of Yamagiwa et al. is supported by, suspended from, or connected to the main frames 20a, 22a.

Thus, Yamagiwa et al. fails to teach or suggest the features of "a body frame including a main frame that is connected to the head pipe and extends obliquely downward along a centerline of the vehicle in a width direction of the vehicle toward the rear of the vehicle, and a pair of left and right subframes that are connected to left and right sides of the main frame, respectively, and extend obliquely downward to the rear," as recited in Applicant's claim 19, and the features of "a motor supported and suspended in two locations spaced in a front to rear direction by each of the respective subframes such that the motor is not supported from below" and "the motor is an internal combustion engine including a crankcase and a cylinder that extends obliquely upward to the front of the vehicle from the crankcase, and the cylinder is connected to

the main frame and the crankcase is connected to the subframes," as recited in Applicant's claim 32.

Accordingly, Applicant respectfully requests reconsideration and withdrawal of the rejection of claims 19 and 32 under 35 U.S.C. § 102(b) as being anticipated by Yamagiwa et al.

The Examiner relied upon Okabe et al. for the conventionality of providing a motorcycle with an internal combustion engine and upon Nakamura et al. for the conventionality of providing a motorcycle with rear side frames. Okabe et al. teaches a body frame somewhat similar to the body frame disclosed by Yamagiwa et al. That is, the motor E of Okabe et al. is suspended only from the engine mounts 40, 47, and 50 connected to the left and right subframes 11 or cross members 37 and 38 extending between the left and right subframes 11 (see, for example, paragraph [0035] through [0037] and Figs. 2 and 3 of Okabe et al.). Okabe et al. does not teach or suggest that the motor E should or could be supported by, suspended from, or connected to a main frame. Nakamura teaches a conventional body frame arranged to support a motor 5 from below via down frames 36l and 36r.

Thus, Okabe et al. and Nakamura et al. also fail to teach or suggest the features of "a body frame including a main frame that is connected to the head pipe and extends obliquely downward along a centerline of the vehicle in a width direction of the vehicle toward the rear of the vehicle, and a pair of left and right subframes that are connected to left and right sides of the main frame, respectively, and extend obliquely downward to the rear," as recited in Applicant's claim 19, and the features of "a motor supported and suspended in two locations spaced in a front to rear direction by each of the respective subframes such that the motor is not supported from below" and "the motor is an internal combustion engine including a crankcase and a cylinder that extends obliquely upward to the front of the vehicle from the crankcase, and the cylinder is connected to the main frame and the crankcase is connected to the subframes," as recited in Applicant's claim 32. Thus, Applicant respectfully submits that Okabe et al. and Nakamura et al. fail to cure the deficiencies of Yamagiwa et al. described above.

Application No. 10/568,487

January 6, 2011

Reply to the Office Action dated October 7, 2010

Page 10 of 10

Accordingly, Applicant respectfully submits that Yamagiwa et al., Okabe et al., and Nakamura et al., applied alone or in combination, fail to teach or suggest the unique combination and arrangement of elements recited in Applicant's claims 19 and 32.

In view of the foregoing amendments and remarks, Applicant respectfully submits that claims 19 and 32 are allowable. Claims 20-31 depend upon claim 19, and are therefore allowable for at least the reasons that claim 19 is allowable. As indicated above, claims 34, 36, and 37 have been allowed by the Examiner.

In view of the foregoing amendments and remarks, Applicant respectfully submits that this application is in condition for allowance. Favorable consideration and prompt allowance are solicited.

The Commissioner is authorized to charge any shortage in fees due in connection with the filing of this paper, including extension of time fees, to Deposit Account No. 50-1353.

Respectfully submitted,

Dated: January 6, 2011

/Stephen R. Funk #57,751/
Attorneys for Applicant

KEATING & BENNETT, LLP
1800 Alexander Bell Drive, Suite 200
Reston, VA 20191
Telephone: (571) 313-7440
Facsimile: (571) 313-7421

Joseph R. Keating
Registration No. 37,368

Stephen R. Funk
Registration No. 57,751